

**IOWA WORKFORCE DEVELOPMENT
UNEMPLOYMENT INSURANCE APPEALS BUREAU**

GUY R HAYDEN
Claimant

APPEAL 17A-UI-07963-DB-T

**ADMINISTRATIVE LAW JUDGE
DECISION**

**IOWA WORKFORCE DEVELOPMENT
DEPARTMENT**

**OC: 06/11/17
Claimant: Appellant (6)**

Iowa Code §96.4(3) – Able and Available to Work
Iowa Admin. Code r. 871-24.2(1)e – Failure to Report
Iowa Admin. Code r. 871-24.11 – Eligibility review program
Iowa Code Ch. 17A – Iowa Administrative Procedure Act
Iowa Admin. Code r. 871-24.19(3) – Claims Bureau Subsequent Action

STATEMENT OF THE CASE:

The claimant/appellant filed an appeal from the August 1, 2017 (reference 02) unemployment insurance decision that found claimant was not eligible for unemployment benefits because claimant failed to participate in a reemployment and eligibility assessment. Claimant was denied benefits effective July 23, 2017. Iowa Workforce Development issued a favorable decision to the claimant, dated August 16, 2017 (reference 03), stating that claimant is eligible for unemployment insurance benefits effective July 23, 2017.

The parties were properly notified of the hearing. A telephone hearing was held on August 25, 2017. The claimant, Guy R. Hayden, participated personally. Lea Hubbard participated on behalf of Iowa Workforce Development Department “Department”. Department’s Exhibits 1 and 2 were admitted. The administrative law judge took official notice of the claimant’s unemployment insurance benefits records.

ISSUES:

Should the most recent unemployment insurance decision be affirmed?
Should the appeal be dismissed as moot?

FINDINGS OF FACT:

Having reviewed all of the evidence in the record, the administrative law judge finds:

The claimant filed a claim for unemployment insurance benefits with an effective date of June 11, 2017. Claimant was selected to participate in a reemployment and eligibility assessment on July 26, 2017. A notice was mailed to the claimant and he received the notice. However, claimant had already returned to full-time employment on June 27, 2017 and claimant was working at the time of the reemployment and eligibility assessment. Claimant did not ever participate in the reemployment and eligibility assessment.

The department issued a decision dated August 16, 2017 (reference 03) finding that the claimant was eligible for benefits effective July 23, 2017, as long as he meets all other eligibility requirements. This decision resolved the only issue on appeal in the claimant's favor, making the appeal moot. According to claimant's unemployment insurance benefits records he has filed weekly claims for benefits only for the week-ending June 17, 2017 and the week-ending June 24, 2017.

REASONING AND CONCLUSIONS OF LAW:

Generally, courts and administrative tribunals do not decide issues when the underlying controversy is moot. *Rhiner v. State*, 703 N.W.2d 174, 176 (Iowa 2005). "A case is moot if it no longer presents a justiciable controversy because the issues involved are academic or nonexistent." *Iowa Bankers Ass'n v. Iowa Credit Union Dep't*, 335 N.W.2d 439, 442 (Iowa 1983).

The decision issued on August 16, 2017 (reference 03) was in favor of the appellant, making the appeal of the August 1, 2017 (reference 02) decision moot. The appeal of the original representative's decision dated August 1, 2017 (reference 02) is dismissed. The most recent decision, dated August 16, 2017 (reference 03) is affirmed.

DECISION:

The appeal of the unemployment insurance decision dated August 1, 2017 (reference 02), is dismissed as moot due to subsequent agency action. The decision issued on August 16, 2017 (reference 03) finding claimant was eligible for benefits effective July 23, 2017, as long as he meets all the other eligibility requirements, is affirmed.

Dawn Boucher
Administrative Law Judge

Decision Dated and Mailed

db/rvs